IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.9596/2007.

Kailash Kumar

Vs.

Civil Judge (Jr.Div.) Sikar & Anr.

Date of Order:- 7/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri H.K. Sharma for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved by the order dated 20/9/2007 (Ann.3) whereby his application filed under Order 11 Rule 14 CPC has been rejected. By the said application, the petitioner sought statement of account of the respondent from the bank for the period from 1/10/2001 to 31/3/2002 so as to prove that he deposited the amount for the disputed period of 17 months. According to the petitioner, bank statement was required because petitioner wanted to rely on the same at the time of his cross-examination. Learned court rejected the application holding that if petitioner himself

had deposited the rent, he has to produce the receipts for the period w.e.f. 1/10/2000 to 31/10/2004. Hence, there is no need for calling for the bank statement. It was further held that such application has been filed only to delay the proceedings.

In the facts of the case, I do not find any justification to interfere with the order passed by the trial court. When petitioner claims to have deposited the rent, it was the duty of the petitioner to prove the deposited rent by producing the receipts or by procuring bank statement of the petitioner himself from the bank.

The writ petition is dismissed accordingly.

(MOHAMMAD RAFIQ), J.

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